

84

Notice of Allowability	Application No.	Applicant(s)	
	10/712,442	PHIFER, JAMES	
	Examiner	Art Unit	
	William L. Bangachon	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/24/06.
 2. ☒ The allowed claim(s) is/are 1-9, 12-13, 16-18 and 20.
 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment ✓ 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the newly found reference. However, independent claims 1, 13 and 18 have been amended to include the previously indicated allowable subject matter and are now in condition for allowance.

EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Mr. Michael Diaz on September 8, 2006.

The application has been amended as follows:

Please cancel claims 10, 14-15 and 19, and amend claims 1, 13, 16-18 and 20 as follows:

Claim 1. An ergonomic remote control device for the remote control of a television set and a DVD, the remote control device comprising:

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a cylindrical housing substantially in the shape of a aviation control stick adapted for being held by a human hand and being manipulated by the digits of the same hand, fixed to a base such that the housing will stand upright,

a plurality of control switches mounted on said control stick positioned to be manipulated by the digits of the same hand while holding the cylindrical housing in the palm of the hand,

an infrared transmitting light diode housed in said control stick for transmitting television viewing control signals to a television set,

an electrical circuit contained within, said housing capable of encoding signals from said plurality of control switches for transmission through said infrared light diode,

a power supply mounted within said housing for supplying power for said electrical circuitry,

a first keypad having a plurality of TV control buttons for controlling functions of a television set through said electrical circuitry and said infrared diode, with said first keypad mounted in a recess on a first lateral side of said base, and

a second keypad having a plurality of DVD control buttons for controlling functions of a DVD through said electrical circuitry and said infrared diode, with said second keypad mounted in a recess on a second lateral side of said base.

Claim 13: An ergonomic remote control device for the remote control of a television set and a VCR, the remote control device comprising:

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a cylindrical housing substantially in the shape of an aviation control stick, adapted for being held by a human hand and being manipulated by the digits of the same hand, fixed to a base such that the housing will stand upright,

a plurality of control switches mounted on said control stick positioned to be manipulated by the digits of the same hand while holding the control stick in the palm of the hand,

an infrared transmitting light diode housed in said control stick for transmitting television viewing control signals to a television set and for transmitting VCR control signals to a VCR, wherein the plurality of control switches includes a plurality of VCR control switches and a plurality of television control switches,

an electrical circuit contained within said housing capable of encoding signals from said plurality of control switches for transmission through said infrared light diode,

a power supply mounted within said housing for supplying power for said electrical circuitry,

a first keypad having a plurality of TV control buttons for controlling functions of a television set through said electrical circuitry and said infrared diode, with said first keypad mounted in a recess on a first lateral side of said base, and

a second keypad having a plurality of VCR control buttons for controlling functions of a VCR through said electrical circuitry and said infrared diode, with said second keypad mounted in a recess on a second lateral side of said base.

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Claim 18: An ergonomic remote control device for the remote control of a television set and a DVD, the remote control device comprising:

a cylindrical housing substantially in the shape of an aviation control stick, adapted for being held by a human hand and being manipulated by the digits of the same hand, fixed to a base such that the housing will stand upright,

a plurality of control switches mounted on said control stick positioned to be manipulated by the digits of the same hand while holding the control stick in the palm of the hand,

an infrared transmitting light diode housed in said control stick for transmitting television viewing control signals to a television set and for transmitting DVD control signals to a DVD, wherein the plurality of control switches includes a plurality of DVD control switches and a plurality of television control switches,

an electrical circuit contained within said housing capable of encoding signals from said plurality of control switches for transmission through said infrared light diode,

a power supply mounted within said housing for supplying power for said electrical circuitry,

a first keypad having a plurality of TV control buttons for controlling functions of a television set through said electrical circuitry and said infrared diode, with said first keypad mounted in a recess on a first lateral side of said base, and

a second keypad having a plurality of DVD control buttons for controlling functions of a DVD through said electrical circuitry and said infrared diode, with said second keypad mounted in a recess on a second lateral side of said base.

In claim 11, page 6, line 1, please delete "10" and insert/replace with -- ~~#~~ 9 --.

In claim 12, page 7, line 1, please delete "11" and insert/replace with -- ~~#~~ 10 --.

In claim 16, page 8, line 1, please delete "14" and insert/replace with -- ~~#~~ 12 --.

In claim 17, page 9, line 1, please delete "16" and insert/replace with -- ~~#~~ 13 --.

In claim 20, page 10, line 1, please delete "18" and insert/replace with -- ~~#~~ 15 --.

Drawings

3. The drawings were received on 8/24/2006. These drawings are acceptable. The objection to the drawings as failing to comply with 37 CFR 1.84(p)(4) is withdrawn.

Allowable Subject Matter

1. Claims 1-9, 11-13, 16-18 and 20 are allowed. Claims 1-9, 11-13, 16-18 and 20 are renumbered 1-16.
2. The following is an Examiner's statement of reasons for allowance:

In claims 1 and 18, the prior art made of record does not disclose an ergonomic remote control device for the remote control of a television set and a DVD, the remote control device comprising, in combination with other elements in the claim:

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a cylindrical housing substantially in the shape of a aviation control stick adapted for being held by a human hand and being manipulated by the digits of the same hand, fixed to a base such that the housing will stand upright,

a first keypad having a plurality of TV control buttons for controlling functions of a television set through said electrical circuitry and said infrared diode, with said first keypad mounted in a recess on a first lateral side of said base, and

a second keypad having a plurality of DVD control buttons for controlling functions of a DVD through said electrical circuitry and said infrared diode, with said second keypad mounted in a recess on a second lateral side of said base.

In claim 13, the prior art made of record does not disclose an ergonomic remote control device for the remote control of a television set and a VCR, the remote control device comprising, in combination with other elements in the claim:

a cylindrical housing substantially in the shape of an aviation control stick, adapted for being held by a human hand and being manipulated by the digits of the same hand, fixed to a base such that the housing will stand upright,

a first keypad having a plurality of TV control buttons for controlling functions of a television set through said electrical circuitry and said infrared diode, with said first keypad mounted in a recess on a first lateral side of said base, and

a second keypad having a plurality of VCR control buttons for controlling functions of a VCR through said electrical circuitry and said infrared diode, with said second keypad mounted in a recess on a second lateral side of said base.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 5,805,256 {Miller} is cited in that it teaches of a ergonomic remote control device comprising a cylindrical housing in the shape of an aviation control stick, adapted for being held by a human hand and being manipulated by the digits of the same hand as shown in Figures 1-6. However, Miller does not disclose the control of both a television and VCR or television and DVD comprising a first and second keypad as stated in the reasons for allowance.

Examiner Contact Information

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William L. Bangachon whose telephone number is (571)-272-3065. The Examiner can normally be reached on Monday – Thursday, 8:30 AM – 4:30 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy Garber can be reached on **(571)-272-7308**. The fax phone numbers for the organization where this application or proceeding is assigned is **5(571) 273-830000** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

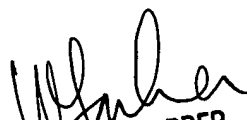
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6071.



William L Bangachon
Examiner
Art Unit 2612

September 15, 2006



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

APPROVED
8/12/2006

Replacement sheet

Fig. 2

